

REMARKS

Claims 1-18 remain pending in the present application. Claims 1, 2 and 4 have been amended. Claims 17 and 18 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

REJECTION UNDER 35 U.S.C. § 112

Claims 2 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 2 has been amended and is now believed to read on the elected species. Regarding Claim 10, page 17, lines 20 and 21 define the permeable filter as functioning as a lens and a filter. Thus, Applicants believe Claim 10 does read on the elected species. Should the Examiner not agree with Applicants, Applicants request the withdrawal and subsequent rejoinder of Claim 10. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102 / 35 U.S.C. § 103

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over JP 2001-347816 (Figure 5) or JP 2001-97019 (Figure 2) or U.S. Pat. No. 6,155,492 (Figures 2 or 3). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2001-347816 (Figure 5) or JP 2001-97019 (Figure 2) or U.S. Pat. No. 6,155,492 (Figures 2 or 3) as applied to Claims 1 and 2 above, and further in view of Goupil Jr., et al. (U.S. Pub. No. 2003/0157881). Claims 7, 8, 9, 10 and 11 are rejected under 35 U.S.C. § 103(a) as

being unpatentable over JP 2001-347816 (Figure 5) or JP 2001-97019 (Figure 2) or U.S. Pat. No. 6,155,492 (Figures 2 or 3) as applied to Claim 1 above, and further in view of Lambert, et al. (U.S. Pat. No. 6,828,560) (Figures 5, 8 or 10). Claim 1 has been defined as including an instrument panel having a control panel on which at least one switch is disposed. The control panel is disposed at a first position on the instrument panel. The non-contact sensor is disposed at a second position on the instrument panel where the second position is separate from and spaced from the first position. This allows the present invention to meet at least the first object of the present invention which is to provide stable air conditioning when a switch is operated (page 3, lines 25 to page 4, line 1 of the specification).

JP 2001-347816 illustrates sensor 31 that is located on the control panel 41 and is not at a location spaced from the control panel.

JP 2001-097019 discloses sensors 90 and 91 which are located on control panel 63 at 80 and 81.

U.S. Pat. No. 6,155,492 discloses sensor 19 which is a part of control unit 7 which includes operating elements 23 and infrared filter 22 or 25.

None of the cited prior art disclose a non-contact temperature sensor that is disposed at a location on the instrument panel separate from and spaced from a respective control panel on the instrument panel.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2 and 6-11, which depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 4 depended from Claim 1. Claim 4 has been amended to independent form to include the limitations of Claim 1 and is thus believed to be allowable.

NEW CLAIMS

New Claims 17 and 18 are dependent claims which Applicants believe properly further limit Claim 1. Applicants believe Claims 17 and 18 read on the elected species.

REJOINDER

Applicants respectfully request the rejoinder of withdrawn Claims 3, 5 and 12-16.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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